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CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

**UNITED STATE DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

ERIK ESTAVILLO,

Plaintiff,

CASE NO.

C 23 04032

vs.

SENATOR DAVE CORTESE, COUNTRY
CLUB VILLA APARTMENTS

VKD

Defendants.

Jurisdiction

1. This court has jurisdiction over this lawsuit because it arises under the laws of California and the plaintiff and defendants are located in California of which all of the acts and grievances against the plaintiff have occurred, within the County of Santa Clara.

Venue

2. Venue is appropriate in the Downtown Superior Court because both the plaintiff and the defendants are located in California and all of the acts and omissions giving rise to this lawsuit occurred here. Furthermore, it is under California State Statute/Law that one or more of the claims against the defendants are based.

Intradistrict Assignment

3. This lawsuit should be assigned to the Santa Clara County Division of the Court because all events or omissions occurred to the plaintiff within Santa Clara County.

Parties

4. Erik Estavillo, 43, has been a permanently disabled resident at the Country Club Villa Apartments for the past 20 years and lives at the same apartment with his father, 80, who was a marine that served in the Vietnam war, and his mother 70. He suffers from a number of debilitating conditions which include Crohn's Disease, Depression, Obsessive Compulsive Disorder, and Panic Disorder, which is all verifiable through Kaiser Permanente medical records.

5. The Country Club Villa Apartments is a, as they describe it on their website, "Nestled in a quiet country setting at the base of San Jose's East Foothills, Country Club Villa Apartments offer the perfect lifestyle filled with plenty of outdoor fun. Whether you enjoy hiking the foothills to mountain biking, family picnics to golfing, Country Club Villa Apartments is near it all. Enjoy the natural splendor of life at Country Club Villa with spacious living and landscape just inside city limits. The 313 unit property features, 1, 2 and 3 bedroom apartments perfect for both individuals and the entire family. The landmark windmill at the center of the complex will have you looking up, while beautifully landscaped areas throughout the property grounds surround you.

6. David Dominic Cortese is an elected official from San Jose, California. He is currently serving the California State Senate, representing District 15, which encompasses a majority of Santa Clara County. He and his family own the Country Club

1 Villa Apartments, along with the surrounding land which includes a shopping mall
2 known as Country Club Villa Shopping in San Jose, California.
3

4 Summary

5
6 7. The Plaintiff purchased a new vehicle, a 2023 Honda Cr-V from Capitol Honda
7 in San Jose. He then went to the office at Country Club Villa Apartments to receive a
8 parking sticker so that he could begin parking on the property, near his apartment.
9

10 8. Bianca, the community manager, informed him that only two vehicles at a time
11 can park on the property. And that having a third vehicle was “illegal” and had to park
12 outside of the property, either across the street, in the visitor section (which only
13 contains 12 spots for nearly 1000 residents), or the plaintiff could park at the Bank of
14 America around the corner on Cortese family owned property. The plaintiff obliged.
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16 9. The plaintiff began parking his new car in the visitor section, but since there
17 often were very few spots open there, he sometimes would park at the Bank of America
18 around the corner. This went well for both parties for about 4 days.
19

20 10. However on the fifth day the Security Supervisor for Country Club Villa
21 Apartments, Steve Havilla, began ticketing the vehicle for not leaving the premises by
22 8:30am, despite the vehicle having a disabled handicap placard. The plaintiff asked the
23 office for the person who had ticketed his vehicle despite it having a handicap placard.
24 The plaintiff then went back to his car and began recording other cars to see if they had
25 been ticketed as well – they had not. When Mr. Havilla came out of the office he
26 escalated the situation as can be seen on video, (which will be submitted as
27 evidence). Mr. Havilla argued with the plaintiff for 30 minutes about the policies and
28

1 that the plaintiff being disabled did not matter whatsoever.

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3 11. To deescalate the situation. Mr. Estavillo asked Mr. Havilla for them both to
4 meet with Property Manager Tricia Morse. However Mr. Havilla refused and left the
5 office. The plaintiff then asked Ms. Morse if he could keep recording and she said, "No"
6 so the plaintiff turned off his camera as can be seen in the video. Ms. Morse then
7 informed the plaintiff to write a letter if he wished to either be given a third parking
8 sticker so he could park on the premises near his apartment or if he could be exempted
9 and allowed to park in the visitor zone near his apartment without threat of tow.

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11 12. Despite the plaintiff writing the letter, (which has been attached to this complaint
12 as evidence), Property Manager Ms. Morse never responded to the disabled plaintiff's
13 pleas for a third parking sticker to park near his apartment or if he would be allowed to
14 park in visitor parking without further harassment of him and his new vehicle. As a
15 result of constant ticketing, threat of tow, and harassment by Security Supervisor Steve
16 Havilla, the plaintiff had no other recourse than to reluctantly file this lawsuit.

17
18 13. Tricia Morse later left a voicemail stating she had talked to Dave Cortese and an
19 attorney and that the plaintiff was no longer allowed to enter the main office or get
20 within 10 feet of any personnel, despite her never filing a restraining order of any type,
21 and that only the plaintiff's father would be able to talk on his behalf regarding any
22 matters involving his car and his apartment. The voicemail will be submitted as
23 evidence.
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Claims/Law Violation

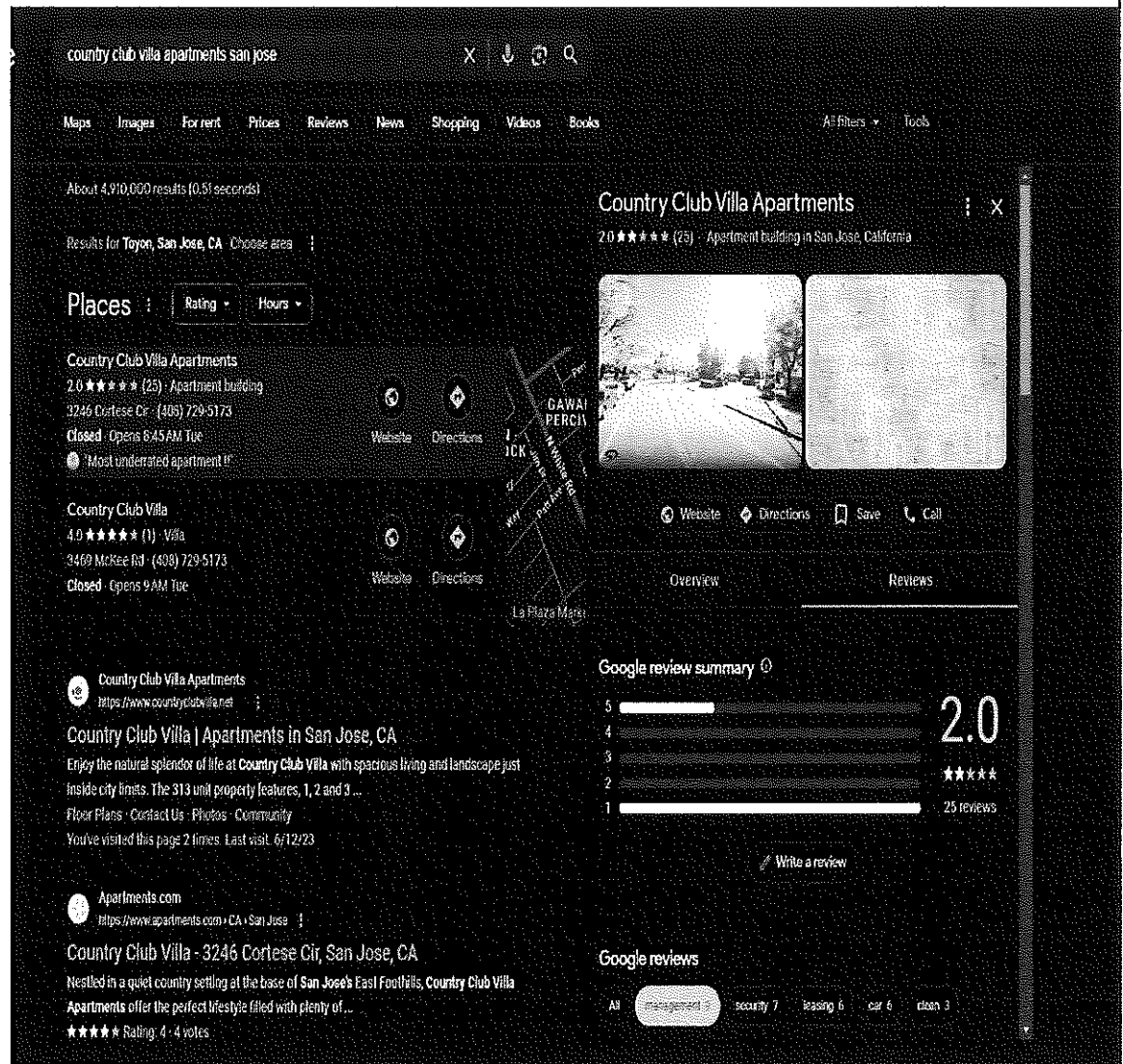
14. The policies of Country Club Villa Apartments violate not just the Federal American with Disabilities Act (a separate federal lawsuit is already being filed as well) but they also violate Californian law which states that any violation of the *ADA* Title III and is considered a civil rights violation and subject to a minimum statutory penalty of \$4,000, plus attorney's fees because California has already set its own accessibility requirements in the California Building Code which this court has jurisdiction over.

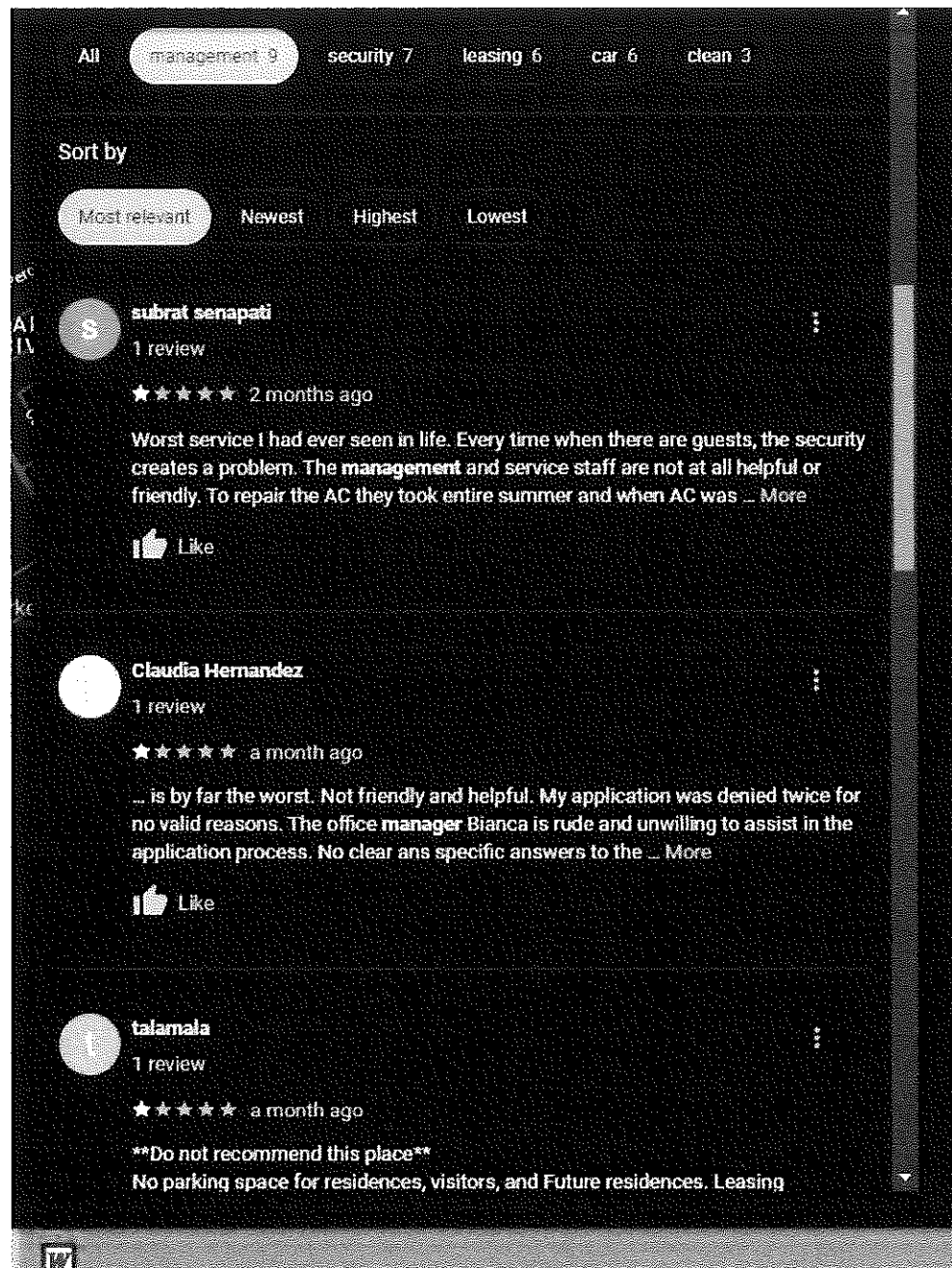
Conclusions

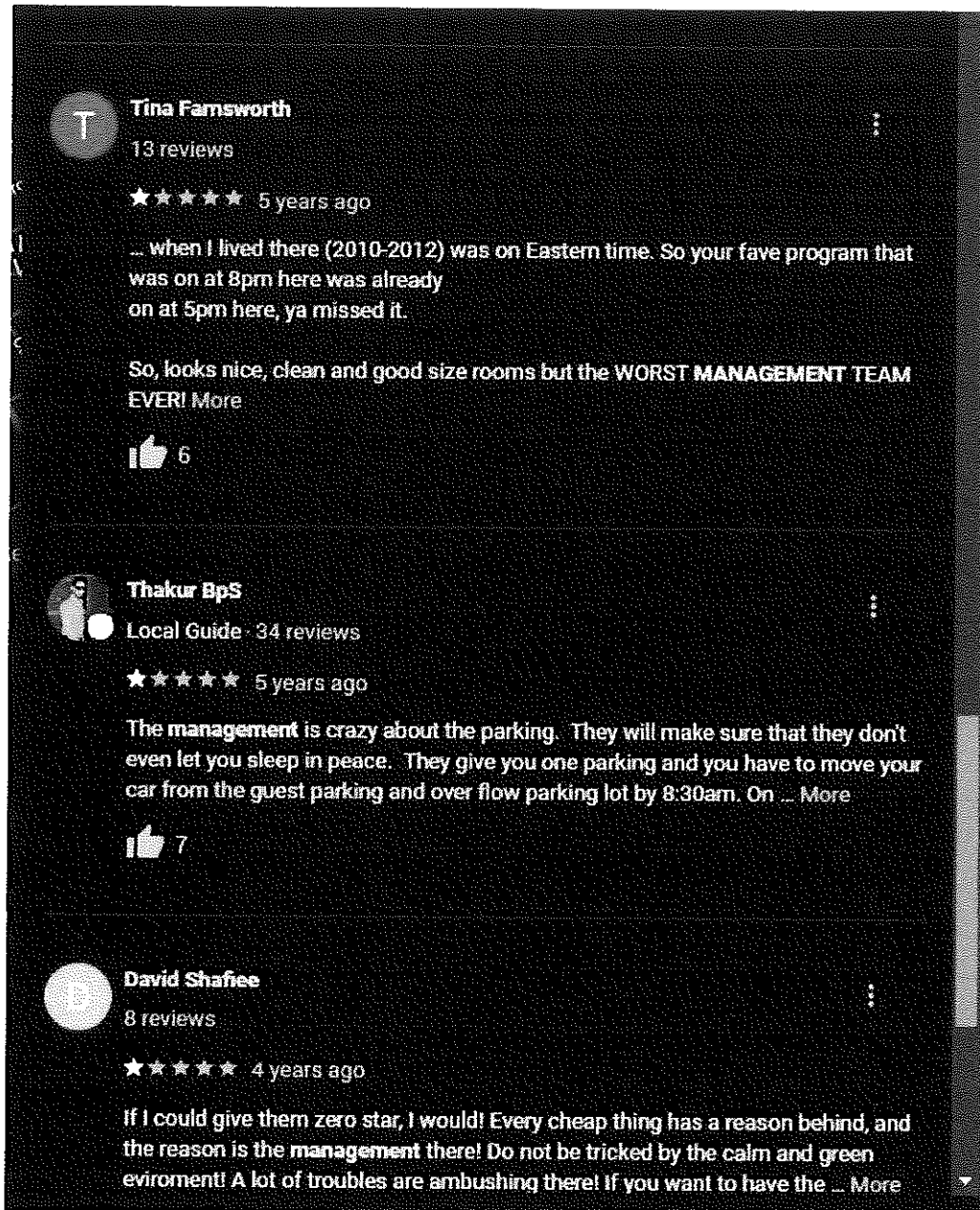
15. Country Club Villa Apartments and Senator Dave Cortese have a horrible and racist public record in treating their residents without dignity and respect. There are only 3-5 black residents in the approx. 300 apartment building complex which holds over 1000 residents in full. All the other residents identify as non-black.

16. Dave Cortese and manager Tricia Morse allowed the San Jose Giants baseball team to live rent free in the apartment complex for months, to the detriment of the neighboring residents. Loud parties were often thrown and were ignored by security and Tricia Morse. Noise complaints were made. None of this seemed to matter as Dave Cortese and Tricia Morse seem to make up the "policies" as they go and however and whenever they see fit. (Evidence will be submitted at trial of this).

17. Only four subpoenas are planned to be served throughout the case - for Dave Cortese, Tricia Morse, Steve Havilla, and Bianca "Doe" the Country Club Community Manager.







Request for Relief

Plaintiff respectfully prays for a judgment against Defendants for:

- i. \$10 million in punitive damages and accrued fines. The plaintiff has suffered damages as a result of Defendants' conduct, including, but not limited to, emotional distress, inconvenience, and lost wages.
- ii. A declaration that Defendants' policy of not allowing disabled residents to park in designated handicapped parking spaces is in violation of the ADA;
- iii. An Injunction prohibiting Defendants from enforcing this policy;
- iv. Additional damages in an amount to be determined at trial;
- v. Costs of suit; and
- vi. Such other and further relief as the Court may deem just and equitable.

/s/ Erik Estavillo